

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FEDERAL INSURANCE COMPANY, an  
Indiana corporation,

Plaintiff,

vs.

ST. PAUL FIRE & MARINE INSURANCE  
COMPANY, a Minnesota corporation,

Defendant.

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AND RELATED COUNTERCLAIM.

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) Case No: C 05-01878 JW

) **STIPULATION AND [PROPOSED]**  
) **ORDER EXTENDING CERTAIN**  
) **SCHEDULED DATES**

Pursuant to Civil Local Rules 6-2 and 7-12, the Parties submit the following Stipulation and [Proposed] Order Extending Certain Scheduled Dates:

**WHEREAS,**

1. This action was filed by Federal Insurance Company (“Federal”) against St. Paul Fire and Marine Insurance Company (“St. Paul”) on May 6, 2005. On June 24, 2005, St. Paul filed a counterclaim against Federal and National Union Fire Insurance Company of Pittsburgh, PA, (“National Union”).

2. Extraordinary circumstances have arisen prompting Marc Shrake, counsel for St. Paul, to request that scheduling in this case be extended by approximately 60 days.

3. On May 1, 2007, Mr. Shrake’s firm, Zelle, Hofmann, Voelbel, Mason & Gette LLP, announced the closure of its Los Angeles office, where Mr. Shrake is located.

4. Mr. Shrake discussed this development with counsel for Federal and counsel for National Union, who have agreed to stipulate to an extension of dates in this case by approximately 60 days in order to allow Mr. Shrake and St. Paul to sort out the issues arising from the Zelle Hofmann office closure. The new stipulated dates are set forth below.

5. A Scheduling Order was issued on July 12, 2006, essentially adopting the schedule in the parties’ Joint Case Management Statement and Proposed Order. A copy of this Scheduling Order is attached as Exhibit A.

6. A Stipulation and Order Extending Certain Trial Dates was issued on February 27, 2007, due to the time necessary to analyze voluminous discovery including a database produced by Cirrus Logic exceeding 500 Giga Bytes and to locate and arrange for the depositions of certain witnesses no longer employed by any party. A copy of this Stipulation and Order is attached as Exhibit B.

7. The Parties have, to date, completed five depositions, and they are in the process of selecting a mediator.

**NOW, THEREFORE,**

**IT IS HEREBY STIPULATED** that the following scheduled dates, which have not yet passed, should be extended and rescheduled by approximately 60 days, or as soon thereafter as permitted by the Court, as follows:

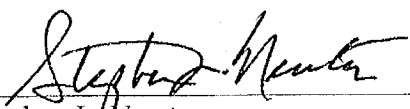
- The last day to have a private mediation shall be **July 25, 2007** (formerly May 23, 2007).
- Close of Discovery shall be **October 24, 2007** (formerly August 24, 2007).
- Last Date for Hearing Dispositive Motions shall be **January 7 2008** (formerly October 22, 2007).
- Preliminary Pretrial Conference Statements shall be due **January 23, 2008** (formerly November 23, 2007).
- The Preliminary Pretrial Conference and Trial Setting Conference shall be scheduled for Monday, **February 4, 2008** (formerly December 3, 2007).
- All associated dates set forth in the Scheduling Order, which have not yet passed, including expert witness disclosures, expert witness reports, expert witness objections, and rebuttal expert witness disclosures, are also extended and rescheduled by 60 days.

**IT IS SO STIPULATED.**

Dated: May 10, 2007

NEWTON REMMEL

By: \_\_\_\_\_

  
 Stephen L. Newton  
 Gabriel G. Gregg  
 Attorneys for Plaintiff and Counterclaim  
 Defendant  
 FEDERAL INSURANCE COMPANY

1 Dated: May 16, 2007

ZELLE, HOFMANN, VOELBEL, MASON &  
GETTE LLP

2  
3 By: Marc J. Shrake  
4 Marc J. Shrake  
5 Attorneys for Defendant and  
6 Counterclaimant  
7 ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY

8 Dated: May 11, 2007

BARGER & WOLEN LLP

9  
10 By: Thomas R. Beer  
11 Thomas Beer  
12 Attorneys for Counterclaim Defendant  
13 NATIONAL UNION FIRE INSURANCE  
14 COMPANY OF PITTSBURGH, PA

15 **ORDER**

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17 Dated: May 14, 2007

18 James Ware  
19 THE HONORABLE JAMES WARE  
20 United States District Judge  
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